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May 26, 2020

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: Ibrahim Mizrahi
Case No. 18-CR-889 (JMF), USM Number 86309-054

Dear Judge Furman:

As the Court is aware, this Firm is immigration counsel to Mr. Ibrahim Mizrahi. We write to respectfully request an additional 60-day extension of Mr. Mizrahi's voluntary surrender date due to his poor physical health and the extraordinary circumstances surrounding the worldwide outbreak of the Coronavirus pandemic ("Coronavirus" or "COVID-19"), without prejudice to a further request in 60 days from May 29th, 2020. The Government has consented to this request.

Background

Mr. Mizrahi was sentenced to serve 18 months in prison and pay restitution in the amount of \$998,000 as a result of his guilty plea. Dkt. No. 1661. Previously, we advised the Court that Mr. Mizrahi was prepared to surrender into FCI Allenwood, where it was anticipated that he would be placed into removal proceedings pursuant to the Institutional Hearing Program.

We previously requested that the Court adjourn Mr. Mizrahi's voluntary surrender date, then-scheduled for February 28th, 2020, for a period of 30 days, to permit him to compile significant documentation necessary for his upcoming immigration court hearing. On February 5th, 2020, the Court granted our application. On March 25th, 2020, we requested an additional 60 day extension due to Mr. Mizrahi's vulnerability to Covid-19, which the Court granted, without prejudice to an additional extension should the Coronavirus pandemic remain a problem. Mr. Mizrahi's current voluntary surrender date is May 29th, 2020.

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Nature of the Relief Sought

We now write the Court, with the Government's consent, to respectfully request that, due to the continued threat presented by the Covid-19 pandemic, Mr. Mizrahi's voluntary surrender date be extended by 60 days from May 29th, 2020, without prejudice to a request for a further extension in 60 days from May 29th, 2020.

We respectfully make this request in light of Mr. Mizrahi's enhanced vulnerability to COVID-19 due to his diagnosis of long-term asthma. We previously submitted a letter from Mr. Mizrahi's physician, Dr. Victor Fariwa, M.D., stating that Mr. Mizrahi is suffering from "severe bronchitis with bronchospasms and asthma," and recommending that Mr. Mizrahi avoid any group settings in order to prevent any serious respiratory complications that could come with exposure to COVID-19. Dr. Fariwa's concerns are echoed by the CDC, which has found that individuals with asthma are at heightened risk of serious complications should they contract COVID-19. People Who Are at Higher Risk for Severe Illness, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last visited May 26, 2020).

Should he be incarcerated at this time, Mr. Mizrahi faces a heightened risk of contracting COVID-19 than he would at home. It is well known in the epidemiological community that prison facilities are associated with high transmission possibilities for infectious diseases. See Joseph A. Bick, Infection Control in Jails and Prisons, 45 Clinical Infectious Diseases 1047, 1047-55 (2007). As such, Mr. Mizrahi requests that his surrender date be extended for 60 days in order to reduce the risk that he be exposed to COVID-19.

Conclusion

Accordingly, we respectfully request that this Court allow Mr. Mizrahi to extend the date of his voluntary surrender by 60 days from May 29th, 2020, without prejudice to an additional request in 60 days, as this is in the best interest of the public welfare, Mr. Mizrahi, and other inmates in federal prisons. Again, the Government has consented to this request.

We are available to appear by telephone for a conference to discuss this matter further.

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Respectfully submitted,

S/ Daniel A. Schnapp

Daniel A. Schnapp
Partner

DAS

Cc: All counsel by ECF

Application GRANTED. The defendant's self-surrender deadline is extended to July 28, 2020, without prejudice to an application for a further extension if the coronavirus pandemic remains a problem. The Clerk of Court is directed to terminate ECF No. 76. SO ORDERED.



May 26, 2020